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The Board of Trustees of The Leland Stanford Junior
University

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

The Board of Trustees of The Leland Stanford
Junior University,

Plaintiff,

v.

Stanford Financial Group Company and Stanford
Group Company,

Defendants.

No. 3:08-cv-04950 CRB

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING HEARING
TO SHOW CAUSE, CONTINUING
HEARING DATES ON PENDING
MOTIONS, AND EXTENDING TIME
TO RESPOND TO DEFENDANT
STANFORD GROUP COMPANY'S
COUNTERCLAIMS**

Hearing to Show Cause:
Existing Date: June 26, 2009
Stipulated Date: July 24, 2009
Time: 10:00 a.m.
Ctvm: 8

Pending Motions:
Existing Date: July 24, 2009
Stipulated Date: August 21, 2009

Response to Counterclaims:
Existing Date: July 10, 2009
Stipulated Date: August 7, 2009

Hon. Charles R. Breyer

Pursuant to Civil L.R. 7-7(a) and the Court's Standing Order, all parties to this action, by and through their respective counsel of record, hereby stipulate as follows:

On March 25, 2009, the Court entered an Order to Show Cause requiring the Receiver appointed by the Northern District of Texas to exercise control and possession of the Defendants' assets (the "Receiver") to appear before the Court on April 24, 2009 to explain its contention that further proceedings in this action are barred and why this action should not proceed. Document No. 103. In addition, the Court directed the Receiver and the Plaintiff Stanford University ("Stanford") to file a Joint Case Management Conference Statement on or before April 17, 2009. On April 17, 2009, the Court entered an order granting the parties' request to continue the hearing to show cause from April 24 to May 29 and directing the parties to file the Joint Case Management Conference Statement on or before May 22, 2009. Document No. 106. Thereafter, on May 22, 2009, the Court entered another order granting the parties' request to continue the hearing to show cause from May 29 to June 26 and directing the parties to file the Joint Case Management Conference Statement on or before June 19, 2009. Document No. 110.

Since the Court entered the May 22, 2009 order continuing the hearing to show cause, the parties have exchanged draft documentation regarding their resolution and believe that they are close to completing the settlement process, but need a brief additional amount of time to finish the process and finalize documentation. While the parties have been working diligently to reach a resolution and to finalize a settlement agreement, it is unlikely that this process can be completed before the June 19, 2009 filing deadline for the Joint Case Management Conference Statement or the June 26, 2009 date for the hearing to show cause.

In order to provide the parties time to finish the settlement process and to finalize the settlement documentation, Stanford and the Receiver wish to continue the date of the hearing to show cause to July 24, 2009 and to continue the filing date for the Joint Case Management Conference Statement to July 17, 2009. Additionally, Stanford and the Receiver wish to reset the hearing dates for the Defendants' five pending motions, which are all currently set for July 24, 2009, to August 21, 2009, with opposition and reply dates to run from the later, re-scheduled

1 date pursuant to Civil L.R. 7-3, to extend the time for Stanford to respond to Defendant Stanford
2 Group Company's counterclaims from July 24, 2009 to August 7, 2009, and to extend the time
3 for the Defendants to respond to pending discovery requests from July 3, 2009 to July 31, 2009.
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5 NOW THEREFORE, IT IS SO STIPULATED between the parties that there is good
6 cause for the Court to enter an order resetting the date for the Hearing to Show Cause, which is
7 currently set for June 26, 2009, to July 24, 2009.

8 IT IS FURTHER STIPULATED between the parties that there is good cause to enter an
9 order resetting the filing date for the Joint Case Management Conference Statement, which is
10 currently set for June 19, 2009, to July 17, 2009.

11 IT IS FURTHER STIPULATED between the parties that there is good cause for the
12 Court to enter an order to reset the hearing dates for Stanford Financial Group Company's
13 Motion to Dismiss in Part for Lack of Personal Jurisdiction (Doc. No. 57), Stanford Group
14 Company's Motion to Dismiss the First Amended Complaint For Failure to State a Claim on
15 Which Relief Can be Granted (Doc. No. 62), Stanford Financial Group Company's Motion for
16 Judgment on the Pleadings and to Dismiss the First Amended Complaint (Doc. No. 66), Stanford
17 Financial Group Company's Motion to Dismiss a Portion of the First Amended Complaint for
18 Lack of Subject-Matter Jurisdiction (Doc. No. 74), and Stanford Financial Group Company's
19 Motion for Partial Summary Judgment (Doc. No. 80), which are all currently set for July 24,
20 2009, to August 21, 2009, with opposition and reply dates to run from the later, re-scheduled
21 date pursuant to Civil L.R. 7-3.

22 IT IS FURTHER STIPULATED between the parties that there is good cause for the
23 Court to enter an order extending the time for Stanford to respond to Stanford Group Company's
24 counterclaims from July 24, 2009 to August 7, 2009.

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1 IT IS FURTHER STIPULATED that the time for the Defendants to respond to pending
2 discovery requests is extended from July 3, 2009 to July 31, 2009.

3 DATED: June 18, 2009
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5 Bingham McCutchen LLP
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8 By: /s/ William F. Abrams

9 William F. Abrams
10 Bingham McCutchen LLP

11 Attorneys for Plaintiff
12 The Board of Trustees of The Leland
13 Stanford Junior University

14 DATED: June 18, 2009
15

16 Thompson & Knight LLP
17

18
19 By: /s/ Jessica B. Magee

20 Jessica B. Magee
21 Thompson & Knight, LLP

22 Attorneys for the Receiver for Defendants
23 Stanford Financial Group Company and
24 Stanford Group Company
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NOW THEREFORE, IT IS HEREBY ORDERED THAT the Hearing to Show Cause, currently set for June 26, 2009, is re-scheduled for hearing at 10:00 a.m. in Courtroom 8 on July 24, 2009.

IT IS FURTHER ORDERED THAT a Joint Case Management Conference Statement, currently due to be filed on or before June 19, 2009, shall be filed on or before July 17, 2009.

IT IS FURTHER ORDERED THAT Stanford Financial Group Company's Motion to Dismiss in Part for Lack of Personal Jurisdiction (Doc. No. 57), Stanford Group Company's Motion to Dismiss the First Amended Complaint For Failure to State a Claim on Which Relief Can be Granted (Doc. No. 62), Stanford Financial Group Company's Motion for Judgment on the Pleadings and to Dismiss the First Amended Complaint (Doc. No. 66), Stanford Financial Group Company's Motion to Dismiss a Portion of the First Amended Complaint for Lack of Subject-Matter Jurisdiction (Doc. No. 74), and Stanford Financial Group Company's Motion for Partial Summary Judgment (Doc. No. 80), set for hearing on July 24, 2009, are re-scheduled for hearing at 10:00 a.m. in Courtroom 8 on August 21, 2009, with opposition and reply deadlines to be based on the re-scheduled date.

IT IS FURTHER ORDERED THAT the time for Stanford to respond to Defendant Stanford Group Company's counterclaims is extended from July 24, 2009 to August 7, 2009.

IT IS FURTHER ORDERED that the time for the Defendants to respond to pending discovery requests is extended from July 3, 2009 to July 31, 2009.

DATED: June 18, 2009

